LEHI CITY JUSTICE COURT
154 N. Center Street
Lehi, UT 84043
(801) 768-7160

LEHI JUSTICE COURT SMALL CLAIMS MEDIATION PROGRAM – EXPLANATION

The Lehi Justice Court has implemented a program whereby all small claims cases (except for those where a waiver is granted) will be referred to mediation prior to the court holding a trial. This program is explained below. There are several reasons why the court has implemented this program, as well as several benefits to you as a party to a small claims case.

Benefits to Parties:

- In mediation, the power to decide what happens in your case stays in your hands. You are the one who will decide whether to resolve your dispute and on what terms, rather than risking an adverse ruling from the judge.
- A judge can generally only hand down win/lose outcomes, and may only award a fixed monetary amount. The judge is limited from using other types of remedies. In mediation you can devise creative solutions that are tailored to your specific situation. You can also formulate payment plans that both parties are able to live with.

Reasons for Implementation:

- According to some sources, over 75% of cases that are mediated are settled by the parties. Requiring parties to mediate greatly reduced the court's case load, while at the same time allowing parties to settle their claims on mutually agreeable terms.
- Parties that agree to settle a case have ownership of that result. Parties are more likely to comply with a voluntary settlement agreement. This saves the parties and the court the time and expense of dealing with enforcement proceedings.
- Many small claims trials result in dismissals or default judgments when one or both parties fail to appear for the trial. This makes it difficult to schedule a small claims calendar, as it is impossible to know which cases will actually go to. By utilizing a pretrial conference, as well as mediation, cases that are scheduled for trial are more likely to actually result in a trial. If you are unable to resolve your claims, you will be given an actual date and time for trial, just for your case, and you will not have to wait while the judge hears other cases scheduled at the same time. This process is more efficient for the court, and should result in less wait time for the parties.

SMALL CLAIMS PRETRIAL PROCEDURE

When a party files a new small claims case in the Lehi Justice Court, the parties will be given a date and time to appear for a pretrial conference. The small claims trial will NOT be held on this date. The case will be placed on a calendar with other cases, scheduled at the same time. However, because trials will not be scheduled at that time (only pretrial conferences) you should not have to wait too long for your case to be called. If the Plaintiff fails to appear for the pretrial conference, the case will be dismissed without prejudice (meaning the case can be re-filed). If the Defendant does not appear the Plaintiff may be entitled to a default judgment. (It is the Plaintiff's responsibility to ensure the Defendant is properly served with a copy of the Affidavit and Summons as well as this Small Claims Mediation Program form, and to submit the Military Service Affidavit.) If both parties appear, the parties will be directed to mediation, as described below.

SMALL CLAIMS MEDIATION PROCEDURE

When both parties appear at a small claims pretrial conference the parties will be directed to meet with one another and a mediator. The parties will be required to make a "good faith" effort to resolve their claims through mediation. If the parties are able to settle the claims, the judge will recall the case to discuss the resolution. The case will be over that day. If the parties are unable to reach a settlement, the case will be scheduled for a trial on the next available small claims calendar. The parties will be given an exact date and specific time which will be reserved for trial of only that case.

In mediation both parties will have the opportunity to sit down with a neutral facilitator, or mediator, who will help you talk about the dispute and explore potential, mutually-agreeable solutions. The mediator is not a judge, nor will the mediator give you legal advice. The mediator's role is to facilitate your communication with the other party, help you explore and evaluate possible solutions, and ultimately come to an agreement.

Mediation is confidential. Nothing that is said in mediation can be used against you in court. While you are being required to meet with a mediator, and attempt to mediate in good faith, the continuation of that process is voluntary. If you are dissatisfied with the mediation or uncomfortable with the proceedings you may discontinue the mediation process and your case will be scheduled for trial.

MEDIATORS

Utah Valley University and the law school at Brigham Young University both have mediation programs. Volunteers from those programs will be available at the courthouse to provide free mediation services to you. These individuals are not employed by, or associated with Lehi City or the court, and are completely neutral. This is a mutually beneficial arrangement whereby parties are able to utilize mediation services free of charge, and the mediators can maintain the numbers of mediation hours required by their respective programs. If the parties would prefer, they may utilize (and pay for) the mediator of their choice, outside of this court-provided program. The parties may file a Stipulation indicating that mediation has already been completed, and providing the date and name of the mediator, and the case will be scheduled for trial.

WAIVER OF MEDIATION REQUIREMENT

Parties to the small claims case will be required to attempt mediation in good faith, as explained above. This requirement may be waived by the judge if a party files a motion requesting waiver of the mediation requirement at least five (5) business days prior to the pre-trial conference, showing "good cause" why the mediation requirement should be waived in that particular case. The motion will be heard at the pretrial conference.

10/3/11

Judge Paul C. Farr